

## SMALL CLAIMS

### Description:

*Small Claims is designed with simplified rules so that a person can file a civil suit without the aid of an attorney. Parties, representing themselves, are responsible to read and understand the rules pertaining to Small Claims cases. Only cases with claims for monetary amounts can be filed in Small Claims. A judge in a small claims case cannot order a party to do a specific action, a judge can only award judgments for monetary amounts.*

### Reference:

*Forms*

<http://www.utcourts.gov/resources/forms/>

**Rules**

<http://www.utcourts.gov/resources/rules/>

*Utah Code Annotated § [78-6](#)*

*[Utah Rules of Small Claims Procedure](#)*

*Small Claims Information and Instructions*

### Overview:

*A small claims action is a simplified "mini-civil case" designed for parties to present the case themselves rather than hiring an attorney. The procedures are simplified to reduce time in preparation and presentation of cases. Each party is responsible for preparation of their own case. A party may be represented by an attorney, although it is not required. Attorney's fees may be awarded based on a contract between the parties or what is allowed by state statute.*

*Small Claims forms are available at each District Court or online at the court's web site. If the Plaintiff prints the forms from the web site they need to bring in the original and 3 copies. Court sites provide carbon copies of the forms, but charge a fee.*

*The main form in Small Claims is called the Affidavit and Summons. Prior to filing, the plaintiff will enter location information, the amount they are seeking in judgment and a description of their cause of action. The clerk will enter the court date on the affidavit after the affidavit is filed.*

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### **Procedure/Computer Entry**

#### **Things to check:**

1. Prior to opening a Small Claims file, the clerk should verify that the following information is filled out correctly:
  - a. Plaintiff and Defendant information is filled out completely.
  - b. Claim is for a monetary amount that doesn't exceed \$7,500
  - c. Plaintiff is filing in the correct venue (Plaintiff may file either where the defendant lives or where the action arose).
  - d. Correct filing fee is attached (or an Affidavit of Impecuniosity is attached).
  - e. If Plaintiff is suing a business, make sure they include the registered agent's information for that business.
  - f. The defendant is not a governmental agency.
  - g. The date the debt arose, and a brief explanation is included.

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### Opening a Case:

1. For Basic Filing Instructions please refer to **General Civil Filing** ([link to General Civil Filing](#)).
2. From the **Primary Menu** select: **Case > Case Filing > Civil Filing > Case Type > Small Claim**. (Hotkeys are the Alt key and the underlined letter)

**Civil Filing**

Calendar! Tracking! Documents! Party! Cashiering! Judgment! Case History!

Case  Case Type **Small Claim** Filing Date

Judge  Commissioner  Old Case Number

Name

Party  Last Name  First Name  Soc Sec

Address  Address 2

City  State  Zip Code  Country  Title  Disabled ☐ Safequarded ☐

Attach attorney(s) to party

Bar No  Bar State

Last Name

First Name

Amount in controversy \$  ☐ Schedule Event

☐ Sealed Case

Note

3. From the Civil Filing Screen enter the Plaintiff and Defendant information, attorney information (if applicable) and accept the fee if required. ([link to fee payment in cashiering screen](#))
4. Date stamp the Affidavit.
5. Confirm that the Affidavit is notarized. If it is not, verify the plaintiff's ID and notarize their signature as the clerk.
6. Give the case a court date. Check with your local court policy to see if the event is to be calendered now or upon receipt of the

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Return of Service (Remember the Affidavit must be served at least 30 days before the Court date, so allow extra time for service when setting the date)

7. Inform the plaintiff that the affidavit needs to be served on the defendant by one of two ways:
  - a. By a sheriff, a constable or a person regularly engaged in that line of business.
  - b. By a method of mail or commercial courier that requires the defendant to sign a receipt and provides for return of that receipt to the plaintiff.

Plaintiff will then need to get a Proof of Service Form from the court or through the courts online forms, and return to court within 10 business days after service.

8. Let the plaintiff know that if the constable is unable to serve the defendant in time, the court date will need to be changed to allow for proper notice. The plaintiff needs to contact the court to obtain a new court date. The affidavit that is to be served must be changed to reflect the new date.
9. Keep the top copy (the original). Give the other copies to the plaintiff for service.

### **Incourt Process (Minutes)**

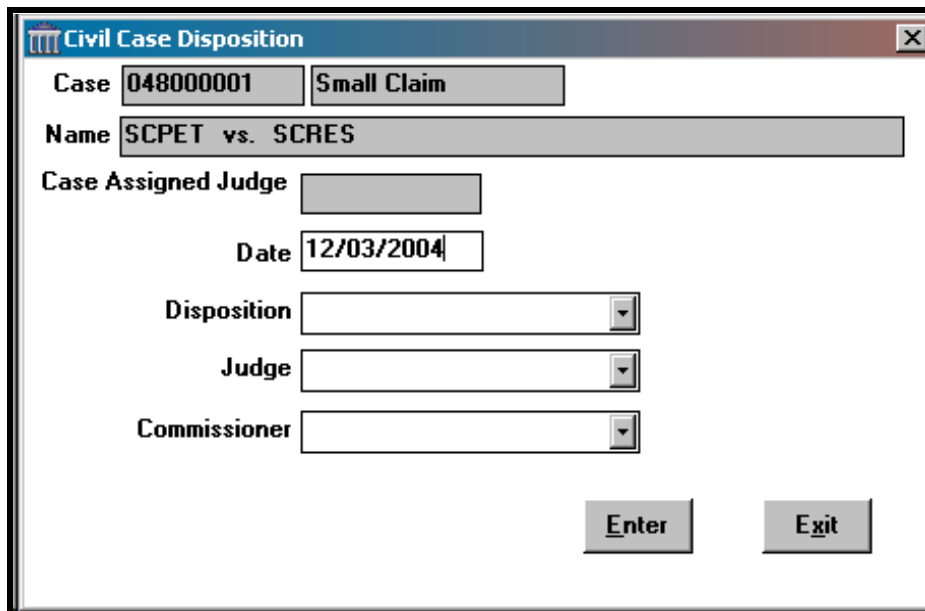
1. From the Primary Menu select: **Case > Incourt > New Minutes.**  
([link to civil Incourt document](#))

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### Disposition of the Case

After the trial on a Small Claims

1. From the **Primary Menu** select: **Case > Civil Case Disposition**.  
Select the disposition and the judge that entered that disposition.



The screenshot shows a software window titled "Civil Case Disposition" with a close button (X) in the top right corner. The form contains the following fields and controls:

- Case:** A text box containing "048000001" and a dropdown menu currently showing "Small Claim".
- Name:** A text box containing "SCPET vs. SCRES".
- Case Assigned Judge:** An empty text box.
- Date:** A text box containing "12/03/2004".
- Disposition:** A dropdown menu.
- Judge:** A dropdown menu.
- Commissioner:** A dropdown menu.
- Buttons:** "Enter" and "Exit" buttons at the bottom right.

### Entering a Judgment:

When the judgment is signed by the judge, it needs to be entered in the judgment screen.

1. From the Primary Menu select: **Case > Judgments (F6)**.
2. From the Judgment Screen enter:
  - a. Appropriate type of judgment
  - b. Change the party types to creditor and debtor
  - c. Add a detail line and select the appropriate type
  - d. Enter dollar amount of the judgment awarded.